**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOOKBOX DEVELOPMENT LLC, Plaintiff, **v.** **WALMART INC.** Defendant.	**CIVIL ACTION NO 6:18-cv-330** **JURY TRIAL DEMANDED**

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

1.   This is an action for patent infringement in which Sookbox Development LLC makes the following allegations against Walmart Inc.

PARTIES

2.   Plaintiff Sookbox Development LLC ("Plaintiff") is a Texas limited liability company with its principal place of business at 321 E Erwin, Tyler, TX 75702.

3.   On information and belief, Walmart Inc. ("Defendant" or "Walmart") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 702 SW 8th St #555, Bentonville, AR 72716.

JURISDICTION AND VENUE

4.   This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5.   Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, acts of infringement have been committed in this District. Additionally, Walmart has a regular and established place of business in this District, including, without limitation, numerous physical stores throughout the District, including, without limitation, four "Walmart Supercenter" physical stores in Tyler, TX, where this Division's Court is located.

6.   On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 9,497,137

7.   Plaintiff is the owner of United States Patent No. 9,497,137 ("the '137 patent") entitled "Digital Content Connectivity and Control Via a Plurality of Controllers That Are Treated Discriminatively." The '137 Patent issued on November 15, 2016. A true and correct copy of the '137 Patent is attached as Exhibit A.

8.   Defendant owns, uses, operates, advertises, controls, sells, and otherwise provides products and/or services that infringe the '137 patent. The '137 patent provides, among other things, " A method, comprising: receiving control data from a control device that is configured as a participant of a content distribution control session that is managed by a session manager executing on a content distribution host server in a local network, wherein the content distribution control session includes a set of participant control devices identifiable from a plurality of control devices with which the content distribution host server has established socket protocol-based communication via the network; analyzing the control data to determine a participant class of the control device and if the control data includes a session lock request; analyzing status information of the content distribution control session to determine if the session lock request can be accepted; and locking the content distribution control session by: configuring the content distribution control session as a control device discriminative control session by setting a code; removing all participant control devices of the content distribution control session other than the control device from which the accepted session lock request was received; and signaling to the plurality of control devices, other than the control device from which the accepted session lock request was received, that the content distribution control session is no longer available."

9.   Defendant directly and/or through intermediaries, made, has made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or services that infringed one or more claims of the '137 patent, including at least Claim 1, in this district and elsewhere in the United States. Particularly, Defendant's sales, offers to sell, distribution and importation of products that have KODI pre-installed infringe the '137 Patent. By making, using, importing, offering for sale, and/or selling such products and services, and all like products and services, Defendant has injured Plaintiff and is thus liable for infringement of the '137 patent pursuant to 35 U.S.C. § 271.

10.   Defendant sells products with KODI pre-installed.   For example, without limitation, the "ANDROID TV BOX" sold by Walmart has "Kodi 17.1" preinstalled.
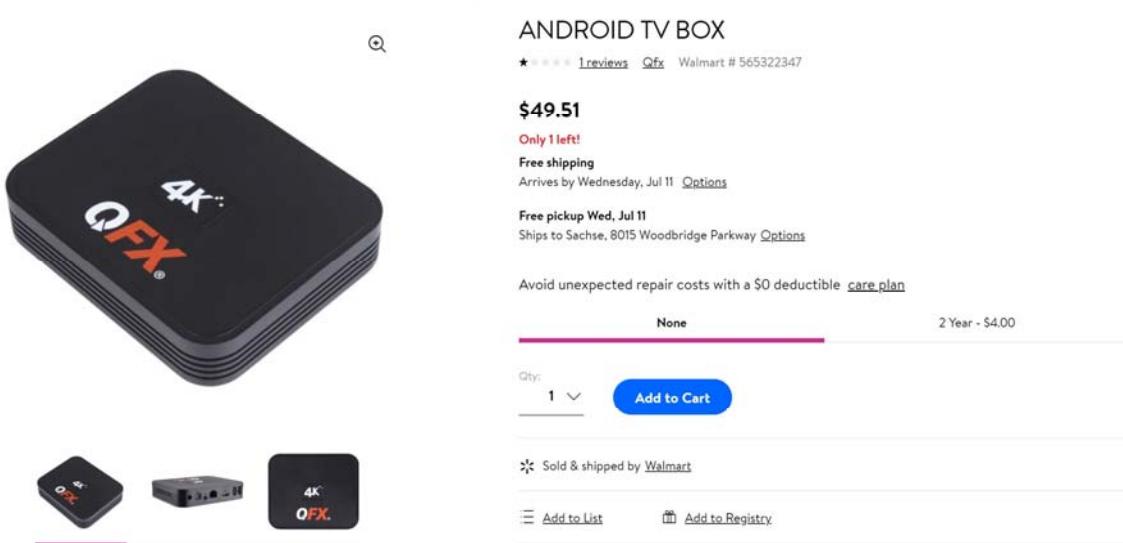
About This Item

We aim to show you accurate product information. Manufacturers, suppliers and others provide what you see here, and we have not verified it. See our disclaimer

TV BOX and Cord free Router with Upgraded Amlogic S905X Quad Core processor, for faster response time. Stream Media Directly to Your TV Plays movies and TV shows without a cable subscription Pre-installed Kodi 17.1 home theater software Android 6.01 which includes Google Play Store offers access to apps such as Netflix and Hulu Cord free Connectivity Accesses home networks via WiFi or BT No need to connect computers directly to televisions . No need to pay for Satellite or Cable ever again! Supports a Slew of Formats HDMI 2.0 connector with 4K Ultra HD 60KHz display Video formats: AVI, MKV, MPG, MP4, WMV, RM, MOV, DAT, and MPEG Audio formats: WMA, AAC, MP3, FLAC, and OGA

ANDROID TV BOX & WiFi Cord free ROUTER
Amlogic S905X Quad Core
ARM Cortex A53 @ 2GHz
1GB DDRIII Memory
8GB Nand Flash
Android 6.01
802.11 b/g/n WiFi
10/100/1000 Wired Ethernet
Infrared Remote Control
HDMI 2.0 Supports 4K
2 High Speed 2.0 USB
SPDIF Output
Kodi 17.1
Play Store
HDMI Cable Included
Remote Control
100-240V UL/CUL Adapter
Colors: Black

Item Dimensions: 8.45" x 6.90" x 2.20"
Item Weight: 1.20lbs
ANDROID TV BOX

https://www.walmart.com/ip/ANDROID-TV-BOX/200053154

11.   Based on present information and belief, KODI receives control data from a control device that is configured as a participant of a content distribution control session that is managed by a session manager executing on a content distribution host server in a local network. "With Kodi's ease of use it is not uncommon for multiple people to share the same HTPC media centre. Whether it be with other family members or friends there may be times when you need to keep your content unique to you. A Kodi master lock code is a small password you can place on different areas of the software including locking your libraries or settings screens. If you have small children using your media centre you may want to implement some Kodi parental control. In this post I will show you how to lock Kodi media centre. You will learn how to set passwords on the content that you want to remain secure."

"How to Lock Kodi using Kodi Master Lock Code", Home Media Portal, May 29, 2017, downloaded from http://homemediaportal.com/how-to-lock-kodi-using-kodi-master-lock-code/ on May 2, 2018.

12.   Based on present information and belief, the content distribution control session includes a set of participant control devices identifiable from a plurality of control devices with

which the content distribution host server has established socket protocol-based communication via the network. "With Kodi's ease of use it is not uncommon for multiple people to share the same HTPC media centre."

"How to Lock Kodi using Kodi Master Lock Code", Home Media Portal, May 29, 2017, downloaded from http://homemediaportal.com/how-to-lock-kodi-using-kodi-master-lock-code/ on May 2, 2018.

13.   Based on information and belief, KODI analyzes the control daya to determine a participant class of the control device and if the control data includes a session lock request. "Once you have completed the above steps navigate to one of the libraries that you have secured. When clicking on Videos I am now presented with the following numeric pad. I must enter the password that I selected earlier. As soon as the password is entered you will be taken to the Video library as normal."

"How to Lock Kodi using Kodi Master Lock Code", Home Media Portal, May 29, 2017, downloaded from http://homemediaportal.com/how-to-lock-kodi-using-kodi-master-lock-code/ on May 2, 2018.

14.   Based on present information and belief, KODI analyzes status information of the content distribution control session to determine if the session lock request can be accepted.

15.   Based on present information and belief, KODI configures the content distribution control session as a control device discriminative control session by setting a code. "Your content is now secure and is only available to the people with your chosen password. You can repeat these steps for as many Kodi addons, libraries or settings you like."

"How to Lock Kodi using Kodi Master Lock Code", Home Media Portal, May 29, 2017, downloaded from http://homemediaportal.com/how-to-lock-kodi-using-kodi-master-lock-code/ on May 2, 2018.
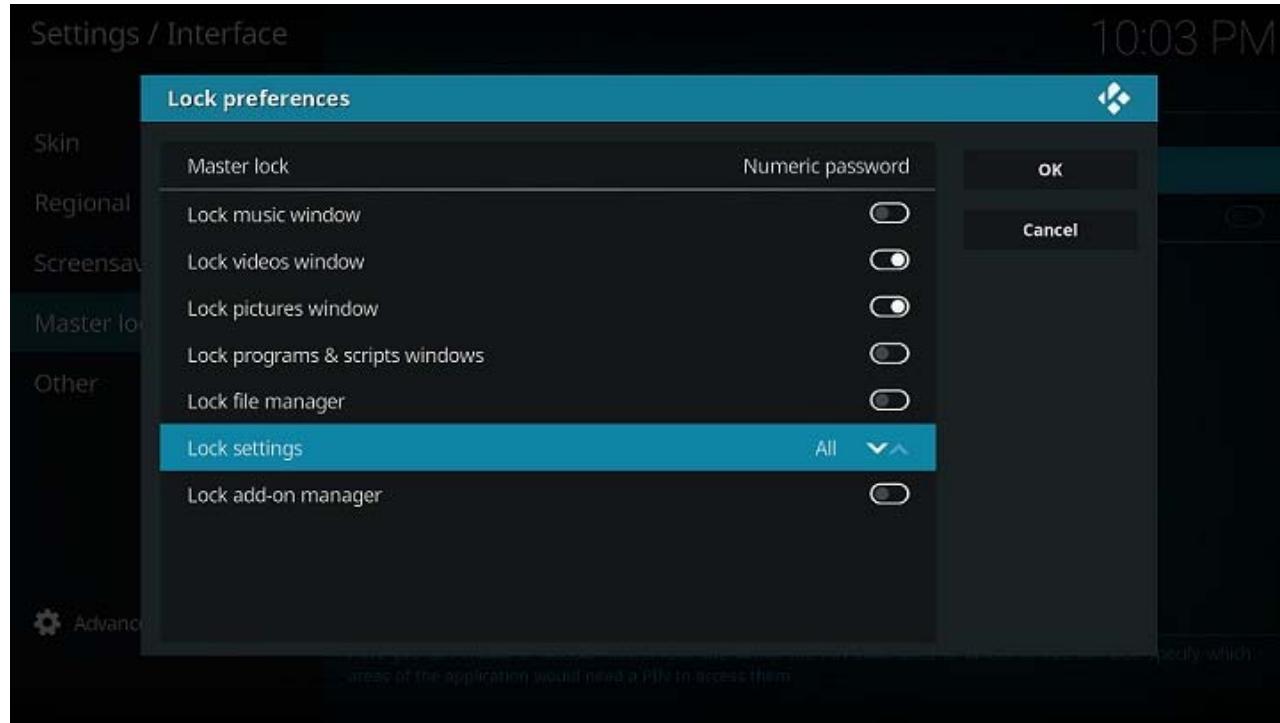
The above screenshot shows all of the Kodi parental lock settings available to the user. This screenshot shows the choice made to lock Videos, Pictures and Settings. The Settings option allows the user to decide which settings to secure. As shown in the screenshot, this has been changed to "All" by the user so that a password is required before a user can see any settings options.

"How to Lock Kodi using Kodi Master Lock Code", Home Media Portal, May 29, 2017, downloaded from http://homemediaportal.com/how-to-lock-kodi-using-kodi-master-lock-code/ on May 2, 2018.

16.   Based on present information and belief, KODI removes all participant control devices of the content distribution control session other than the control device from which the accepted session lock request was received. Once the user has completed the steps shown in the above screenshot, a user can then navigate to one of the libraries now secured. Clicking on "Videos" under this scenario would then yield a numeric password to enter in the earlier selected. When the password is entered, the user is taken to the Video library as they would normally expect but for the parental controls. "How to Lock Kodi using Kodi Master Lock Code", Home Media Portal, May 29, 2017, downloaded from http://homemediaportal.com/how-to-lock-kodi-using-kodi-master-lock-code/ on May 2, 2018. The KODI source code below shows how this operates.

void CGUIPassword::LockSources(bool lock)

```
{
  // lock or unlock all sources (those with locks)
  const char* strType[] = {"programs", "music", "video", "pictures", "files", "games"};
  for (unsigned int i = 0; i < sizeof(strType) / sizeof(*strType); ++i)
  {
    VECSOURCES *shares = CMediaSourceSettings::GetInstance().GetSources(strType[i]);
    for (IVECSOURCES it=shares->begin();it != shares->end();++it)
      if (it->m_iLockMode != LOCK_MODE_EVERYONE)
        it->m_iHasLock = lock ? 2 : 1;
  }
  CGUIMessage msg(GUI_MSG_NOTIFY_ALL,0,0,GUI_MSG_UPDATE_SOURCES);
  CServiceBroker::GetGUI()->GetWindowManager().SendThreadMessage(msg);
}
```

KODI Source code, xbmc/xbmc/GUIPassword.cpp, Lines 486-499, downloaded from https://github.com/xbmc/xbmc/blob/3848940f289d1c40c211480453a0cd22ec825763/xbmc/GUIPassword .cpp on May 3, 2018.

17.   Based on present information and belief, KODI signals to the plurality of control devices, other than the control device from which the accepted session lock request was received, that the content distribution control session is no longer available. "With Kodi's ease of use it is not uncommon for multiple people to share the same HTPC media centre. Whether it be with other family members or friends there may be times when you need to keep your content unique to you. A Kodi master lock code is a small password you can place on different areas of the software including locking your libraries or settings screens."

"How to Lock Kodi using Kodi Master Lock Code", Home Media Portal, May 29, 2017, downloaded from http://homemediaportal.com/how-to-lock-kodi-using-kodi-master-lock-code/ on May 2, 2018.

```
void CGUIPassword::LockSources(bool lock)
{
  // lock or unlock all sources (those with locks)
  const char* strType[] = {"programs", "music", "video", "pictures", "files", "games"};
  for (unsigned int i = 0; i < sizeof(strType) / sizeof(*strType); ++i)
  {
    VECSOURCES *shares = CMediaSourceSettings::GetInstance().GetSources(strType[i]);
    for (IVECSOURCES it=shares->begin();it != shares->end();++it)
      if (it->m_iLockMode != LOCK_MODE_EVERYONE)
        it->m_iHasLock = lock ? 2 : 1;
  }
```

```
CGUIMessage msg(GUI_MSG_NOTIFY_ALL,0,0,GUI_MSG_UPDATE_SOURCES);
CServiceBroker::GetGUI()->GetWindowManager().SendThreadMessage(msg);
}
```

KODI Source code, xbmc/xbmc/GUIPassword.cpp, Lines 486-499, downloaded from https://github.com/xbmc/xbmc/blob/3848940f289d1c40c211480453a0cd22ec825763/xbmc/GUIPassword .cpp on May 3, 2018.

18.   In the alternative, because the manner of use by Defendant differs in no substantial way from language of the claims, if Defendant is not found to literally infringe, Defendant infringes under the doctrine of equivalents.

19.   Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

20.   In addition to what is required for pleadings in patent cases, and to the extent any marking was required by 35 U.S.C. § 287, Plaintiff and all predecessors in interest to the '137 Patent complied with all marking requirements under 35 U.S.C. § 287.

21.   Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1.   A judgment in favor of Plaintiff that Defendant has infringed the '137 Patent;

2.   A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '137 Patent as provided under 35 U.S.C. § 284;

3.   An award to Plaintiff for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendant's prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

4.   A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and

5.   Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully Submitted,

SOOKBOX DEVELOPMENT LLC

/s/ Papool S. Chaudhari

Dated: July 6, 2018   By: _____

Papool S. Chaudhari
Texas State Bar No. 24076978
Chaudhari Law, PLLC
P.O. Box 1863
Wylie, Texas 75098
Phone: (214) 702-1150
Fax: (214) 705-3775
Papool@ChaudhariLaw.com

 ATTORNEY FOR PLAINTIFF
SOOKBOX DEVELOPMENT LLC